

Applicant : Jay M. Short et al.  
Serial No. : 09/902,525  
Filed : July 9, 2001  
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Attorney's Docket No.: 09010-045002

## REMARKS

### Status of the Claims

#### *Pending claims*

Claims 1-92 as filed are pending.

### The Restriction Requirement

The Patent Office has alleged that the pending claims of the application are directed to separate and distinct inventions under 35 U.S.C. §121 as follows:

Group I: Claims 1-23, 40, 41, 67-81, 82-85, drawn to an isolated nucleic acid encoding a polypeptide having phosphatase activity, methods of expressing said nucleic acid, oligonucleotide probes, classified in class 435, subclass 194.

Group II: Claims 24-35, 64, 86, 87, drawn to an isolated polypeptide having phosphatase activity and enzyme preparations comprising said polypeptide, classified in class 435, subclass 194.

Group III: Claims 36-39, drawn to an antibody that binds to a phosphatase, classified in class 530, subclass 387.1.

Group IV: Claims 42-55, drawn to a method of generating a variant, classified in class 435, subclass 91.1.

Group V: Claims 56-60, drawn to a computer readable medium and a computer system comprising a nucleic acid sequence, classified in Class 702, subclass 20.

Group VI: Claims 61-63, drawn to a method for comparing a first sequence to a reference sequence or identifying a feature in a sequence, classified in class 435, subclass 6.

Group VII: Claim 65, drawn to a method for catalyzing the hydrolysis of phosphates, classified in class 435, subclass 168.

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Group VIII: Claim 66 drawn to an assay for identifying functional polypeptide fragments, classified in class 435, subclass 21.

Group IX: Claims 88-92, drawn to a method for modifying small molecules, classified in class 435, subclass 168.

As well as each sequence of SEQ ID NOS:19-54 for each of Groups I-IX..

#### The Election with Traverse

In response to the Restriction Requirement, Applicants elect Group I, claims 1-23, 40, 41, 67- 81, and 82-85, as pertaining to SEQ ID NOS:21 and 30, drawn to isolated nucleic acids encoding a polypeptide having phosphatase activity, methods of expressing said nucleic acids, and oligonucleotide probes.

Applicants, however, request that the Patent Office reconsider and join (nucleic acid/amino acid sequences) SEQ ID NOS:21, 30; 22, 31; 23, 32; 26, 35; and 45, 46 for Group I. Applicants respectfully submit that these polypeptides, their amino acid sequences and nucleic acids encoding them have similar modes of operation, similar functions and similar effects. All the polypeptides were derived from the *Thermococcus* species and all have phosphatase activity. Applicants submit that a search and examination of the polypeptides, their amino acid sequences and nucleic acids encoding, them would not present an undue burden upon the Patent Office. Accordingly, Applicants respectfully request examination of Group I as pertaining to SEQ ID NOS:21, 30; 22, 31; 23, 32; 26, 35; and 45, 46.

Applicants believe that, other than the extension of time fee, no fee is required for submission of this Response. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 06-1050. Please credit any overpayment to the above-noted Deposit Account.

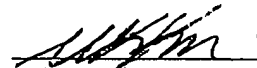
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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858 678 5070.

Respectfully submitted,

Date: 1/2/2003

  
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